

October 28, 2021

Court: United States District Court for the District of Puerto Rico

Debtor: Commonwealth of Puerto Rico

Case Number: 17-03283-LTS

Reference: Three Hundred Ninetieth Omnibus Objection (Substantive) of the Commonwealth of Puerto Rico to No Liability Claims

Proof of Claim Number: 7648

To whom it may concern:

This letter is to oppose the Three Hundred Ninetieth Omnibus Objection (Substantive) of the Commonwealth of Puerto Rico to No Liability Claims, which was filed in the United States District Court for the District of Puerto Rico on August 25, 2021 ("Omnibus Objection"), with respect to Claim 7648 by Roy Jorgensen Associates, Inc. The reason for objection included in the Omnibus Objection states the following:

"Amounts totaling \$2,983.00 relate to tax withheld by the Commonwealth agency asserted and is therefore not due and owing. Per the books and records of the Commonwealth, the remaining \$19,890.00 is related to certified invoices not received and therefore not recognized as due and owing by the Commonwealth agency."

This letter offers objections to both reasons stated in the Omnibus Objection. The referenced \$2,983.00 was originally invoiced to the Commonwealth via Invoice No. 35090-150601, dated June 25, 2015 (attached, Exhibit A). As shown on the referenced invoice, the referenced amount was withheld as retainage, in accordance with Section 7.1 of the Agreement for Professional Services ("Agreement"), Contract 2015-000163 and related amendment 2015-000163-A (attached, Exhibits C and D, respectively). Accordingly, this amount is unrelated to tax withholding, as suggested in the Omnibus Objection, and remains due and payable within the terms of the agreement. The referenced \$19,890.00 was originally invoiced to the Commonwealth via Invoice No. 35090-170601, dated June 10, 2017 (attached, Exhibit B). The invoice was issued after delivery of a partially completed Draft 2014-2015 Maintenance Evaluation and Program Review (attached, Exhibit E), completed to the extent possible in accordance with Section 7.1 of the agreement, subject to limitations resulting from the Puerto Rico Highways and Transportation Authority's (PRHTA) failure to provide certain information, as required by the agreement. This invoice and the related draft report were delivered to PRHTA by the Company's in-country representative at the time, Rene Batista. Accordingly, these amounts remain due and payable within the terms of the agreement.

Sincerely,



Mike Bucci, Controller

Roy Jorgensen Associates, Inc.

Mount Hope Manor House

3735 Buckeystown Pike

PO Box 70

Buckeystown, MD 21717-0070

240-457-1446

mike_bucci@royjorgensen.com